

Memorandum

To: Air Permit Managers

CC: John Daniel, Chuck Turner

From: John Reinhardt, Title V Coordinator

Subject: Title V Acid Rain Permits

Date: September 20, 2002

Introduction

The purpose of this memo is to inform the permit writers of an applicability determination concerning facilities subject to both Acid Rain and Title V permitting. The Department's regulations state that a facility subject to Title V permitting (Article 1, 9 VAC 5-80-50 et seq.) that operates even one air emission unit subject to the Acid Rain regulations has to be permitted under the State Acid Rain regulations (Article 3, 9 VAC 5-80-360 et seq.). The State Acid Rain regulations were created to closely match the format and order of the Title V regulations. The primary difference between these regulations is that the Acid Rain Regulations provide the regulatory authority for air emission allowance trading while the Title V Regulations do not.

The impact of this applicability determination is that all the citations contained in all Title V permits that have any acid rain affected facility have to be converted to acid rain regulatory citations. All citations related to all the emission units are also required to be converted to state acid rain citations these include but are not limited to the following: storage tanks, coal handling, ash handling, gas pipeline heaters, haul roads, boilers, and turbines. Title V facilities with no acid rain affected emission units will not be impacted by this determination.

Citation Change Timing

The timing of the permit change is as follows: 1) Permits that have not gone to public notice should be changed prior to newspaper publication. 2) Permits that have been issued, public noticed or proposed have to be changed during the reopening process to insert the NOx SIP call requirements unless a modification or reopening happens prior to the NOx SIP call.

Applicability Determination

Any facility that has one or more emission units subject to acid rain permitting has to be permitted under the Department's Acid Rain Regulations 9 VAC 5 Chapter 80 (9 VAC 5-80-360 et seq.) This is based on the Article 1 applicability section, which states (in part) as follows:

9 VAC 5-80-50. Applicability.

- A. *Except as provided in subsection C of this section, the provisions of this article apply to the following stationary sources:*
 - 4. *Any affected source or any portion thereof not subject to Article 3 (9 VAC 5-80-360 et seq.) of this chapter.*

Permit Approval Format Modification and Citation Conversions

The title of the permit approval has to be changed from the "Virginia Title V Operating Permit" to "Virginia Title V Acid Rain Operating Permit". The citations in the second sentence of the first page of the permit has to be changed from 9 VAC 5-80-50 to 9 VAC 5-80-360 and 9 VAC 5-80-300 has to be converted to 9 VAC 5-80-680.

As discussed later in this document, the "Effective Date" of the permit will be January 1, 20xx, with an Expiration Date of December 31, 20xx+4. These dates are to match the effective period of the site's Title IV Acid Rain permit approval.

The format and subject matter of the Title V Acid Rain Operating Permit approval follows the original document closely. The following tables will assist with the translation of existing Title V permit approvals from Article 1 to Article 3 citations. In addition there is a boilerplate that can be used to assist with the transition of the permits. The boilerplate can be found in:

K:\agency\air_permitting\manuals\Title V Acid Rain Boilerplate.doc

This Table Applies to the Specific Conditions and Facility Wide Conditions		
Section	Title V Citation	State Acid Citation
Limitations	9 VAC 5-80-110 B & C	9 VAC 5-80-490 B & C
Monitoring	9 VAC 5-80-110 E	9 VAC 5-80-490 E
Recordkeeping	9 VAC 5-80-110 F	9 VAC 5-80-490 C & F
Testing	9 VAC 5-80-110 E & F	9 VAC 5-80-490 E & F
Reporting	9 VAC 5-80-110 F	9 VAC 5-80-490 F

Insignificant emission units		
Section	Title V Citation	State Acid Citation
	No Change	No Change

Compliance Plan		
Section	Title V Citation	State Acid Citation
A. Description of Requirements Additional Citation added	9 VAC 5-80-90 I 9 VAC 5-80-110 K	9 VAC 5-80-440 I 9 VAC 5-80-490 K
B. Compliance Schedule	9 VAC 5-80-110 K	9 VAC 5-80-490 K 9 VAC 5-80-440 I
C. Reporting Requirements	9 VAC 5-80-110 K	9 VAC 5-80-490 K 9 VAC 5-80-440 I
D. Certified Progress Reports	9 VAC 5-80-90 I 9 VAC 5-80-110 K	9 VAC 5-80-440 I 9 VAC 5-80-490 K

Permit Shield & Inapplicable Requirements		
Section	Title V Citation	State Acid Citation
Permit Shield & Inapplicable	9 VAC 5-80-140	9 VAC 5-80-500

General Conditions

	Title V Citation	State Acid Citation
A. Federal Enforceability	9 VAC 5-80-110 N	9 VAC 5-80-490 N
B. Permit Expiration	9 VAC 5-80-80 Article 1 9 VAC 5-80-150 Article 1 9 VAC 5-80-80 9 VAC 5-80-140 9 VAC 5-80-80 9 VAC 5-80-140 9 VAC 5-80-80 9 VAC 5-80-80 D 9 VAC 5-80-80 B,C & F 9 VAC 5-80-110 D 9 VAC 5-80-170 B	9 VAC 5-80-430 Article 3 9 VAC 5-80-510 Article 3 9 VAC 5-80-430 9 VAC 5-80-500 9 VAC 5-80-430 9 VAC 5-80-500 9 VAC 5-80-430 9 VAC 5-80-430 D 9 VAC 5-80-430 B, C & F 9 VAC 5-80-490 D 9 VAC 5-80-530 B
C. Recordkeeping & Reporting	9 VAC 5-80-110 F 9 VAC 5-80-80 G	9 VAC 5-80-490 F 9 VAC 5-80-430 G
D. Compliance Certification	9 VAC 5-80-80 G 9 VAC 5-80-110 E 9 VAC 5-80-110 K	9 VAC 5-80-430 G 9 VAC 5-80-490 E 9 VAC 5-80-490 K
E. Permit Deviations	9 VAC 5-80-110 F	9 VAC 5-80-490 F
F. Failure/ Malfunction Reporting	No Changes	No Changes
G. Severability	9 VAC 5-80-110 G	9 VAC 5-80-490 G
H. Duty to Comply	9 VAC 5-80-110 G	9 VAC 5-80-490 G
I. Need to Halt	9 VAC 5-80-110 G	9 VAC 5-80-490 G
J. Permit Action for Cause	9 VAC 5-80-110 L 9 VAC 5-80-240 9 VAC 5-80-260 9 VAC 5-80-110 G 9 VAC 5-80-720 B 9 VAC 5-80-720 C 9 VAC 5-80-90 D 9 VAC 5-80-110 G 9 VAC 5-80-110 J 9 VAC 5-80-240 9 VAC 5-80-260	9 VAC 5-80-490 L 9 VAC 5-80-640 9 VAC 5-80-660 9 VAC 5-80-490 G No Change No Change 9 VAC 5-80-440 D 9 VAC 5-80-490 G 9 VAC 5-80-490 J 9 VAC 5-80-640 9 VAC 5-80-660
K. Property Rights	9 VAC 5-80-110 G	9 VAC 5-80-490 G
L. Duty to Submit Information	9 VAC 5-80-110 G 9 VAC 5-80-80 G 9 VAC 5-80-110 K	9 VAC 5-80-490 G 9 VAC 5-80-490 G 9 VAC 5-80-490 K
M. Duty to Pay Permit Fees	9 VAC 5-80-50 9 VAC 5-80-310 9 VAC 5-80-355	9 VAC 5-80-360 No change No change
N. Fugitive dust (CORRECTION)	9 VAC 5-50-50	9 VAC 5-40-90 9 VAC 5-50-90
O. Startup, Malfunction (Citation Addition)	9 VAC 5-50-20 E	9 VAC 5-50-20 E 9 VAC 5-40-20 E
P. Alternate Operating Scenario	9 VAC 5-80-140 Article 1 9 VAC 5-80-110 J	9 VAC 5-80-500 Article 3 9 VAC 5-80-490 J

Q. Inspection and Entry	9 VAC 5-80-110 K	9 VAC 5-80-490 K
R. Reopening For Cause	9 VAC 5-80-80 9 VAC 5-80-110 D 9 VAC 5-80-110 L	9 VAC 5-80-430 F 9 VAC 5-80-490 D 9 VAC 5-80-490 L
S. Permit Availability	9 VAC 5-80-150 E	9 VAC 5-80-510 E
T. Transfer of permits	9 VAC 5-80-130 9 VAC 5-80-160 9 VAC 5-80-200	No Change 9 VAC 5-80-520 9 VAC 5-80-560
U. Malfunction Affirmative Defense	9 VAC 5-80-110 F 9 VAC 5-80-250	9 VAC 5-80-490 F 9 VAC 5-80-650
V. Permit Revocation	Article 1 9 VAC 5-80-260	Article 3 9 VAC 5-80-660
W. Supplement and Correct Application	9 VAC 5-80-80 E	9 VAC 5-80-430 E
X. Stratospheric Ozone Protection	No change	No change
Y. Accidental Release Prevention	No change	No change
Z. Emissions Trading	9 VAC 5-80-110I	9 VAC 5-80-490 I
AA. Emission Trading	9 VAC 5-80-110 9 VAC 5-80-140 9 VAC 5-80-50 9 VAC 5-80-300 9 VAC 5-80-110 I	9 VAC 5-80-490 9 VAC 5-80-500 9 VAC 5-80-360 9 VAC 5-80-700 9 VAC 5-80-490 I

State Only Enforceable Requirements		
	Title V Citation	State Acid Citation
State Only Enforceable	9 VAC 5-80-290 9 VAC 5-80-110 N 9 VAC 5-80-300	9 VAC 5-80-690 9 VAC 5-80-490 N 9 VAC 5-80-700

Permit Approval Effective and Expiration Dates

It is the policy of the Department to combine the Title V and Title IV programs and to have the same effective and expiration dates. The purpose is to reduce record keeping and the potential for conflicts in permitting requirements between the two programs. The Title IV Acid Rain permit approval will become an attachment to the Title V Acid Rain permit. Together these two documents will address all the issues of concern for Virginia Acid Rain sources.

Many initial Title IV Acid Rain permits are coming up for renewal at the end of this year. This is coinciding with the initial issuance of many Title V Acid Rain permits. The affective date of the Title V Acid Rain permit should be the same as the affective date of the Acid Rain Permit. Please note the Title V Acid Rain Permit can have a different issuance and effective date. An affective date can be added to the front of any permit.

Timing the two programs effective and expiration dates to match will be simple for new permit applications. For the previously permitted acid rain facilities operating under both programs the following procedure for resetting the periods has been approved. As stated in Article 3, permit effective periods are to be no more than 5 years. The effective length of a permit can be shorter than 5 years however with the understanding of the owner/operator of the facility. Beginning in 2003, all Title V permit renewals will be set to expire on the same date as the

facility's current Title IV operating permit. The goal of the Department is to begin issuing the combined Acid Rain permits this Fall. This new format will be used for all renewed operating permits with an effective start date of January 1, 2003. The regional offices will complete the conversion of the acid rain permit format and effective period rescheduling for all acid rain facilities located in Virginia by January 1, 2008.

Renewal condition

Please make sure that the renewal condition has been updated. The updated condition contains language that states that the Title V permits remain in force until the renewed permit is issued. The updated condition can be found in:

K:\agency\air_permitting\manuals\title5_manual\ B-Plate_SOB_Patches or \revised_ title_V _boiler plate.doc.

Reporting requirements

Most acid rain affected emission units have continuous monitors. If the continuous monitors are required to meet 9 VAC 5-40-50 C or 9 VAC 5-50-50 C the emission unit is not required to send a fourteen day letter to report excess emissions under 9 VAC 5-20-180 C. Emission units subject to 9 VAC 5-40-50 C or 9 VAC 5-50-50 C have to report malfunctions on a quarterly or semiannual basis. Please note this also includes water injection reporting requirements listed in NSPS GG for combustion turbines. The reporting requirement has to be addressed in the general condition of the Title V permit. A boilerplate condition addressing the reporting requirements can be found in the location that follows:

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K:\agency\air_permitting\manuals\title5_manual\ in revised_ title_V _boiler plate.doc.